

E-FILED on 10/5/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOHIT NARAYAN, HANNA RAHAWI,
THOMAS HEATH and UGO IHEONU, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

EGL, INC., a Texas Corporation; CEVA
Freight, LLC, a Delaware Corporation, and
DOES 2-10, inclusive,

Defendants.

No. C-05-04181 RMW

ORDER DENYING PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBIT A TO THE
DECLARATION OF LISA DUNGAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION AND PORTIONS
OF THE MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION

[Re Docket No. 167]

On September 23, 2011, plaintiffs requested leave to file the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d): (1) Exhibit A to the Declaration of Lisa Dungan in Support of Plaintiffs' Motion for Class Certification, with attached documents; and (2) portions of the Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Class Certification. Dkt. No. 167. Defendants have designated all of the documents in Exhibit A as confidential, and

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portions of the Memorandum of Points and Authorities quote from documents defendants have designated confidential. However, defendants have not filed a declaration establishing that the designated information is sealable as required by Civil Local Rule 79-5(d):

Within 7 days [after the submitting party has filed the motion to seal], the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

Accordingly, plaintiffs' request to file under seal is denied. Within four days from the date of this order, plaintiffs shall file an underacted version of the subject documents in the public record. *See* Civil Local Rule 79-5(e).

DATED: 10/5/2011



RONALD M. WHYTE
United States District Judge

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